



Attorney's Docket No. 3866.P008

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Ali Kutay, et al.

Application No.: 10/082,427

Filed: February 22, 2002

For: SYSTEM AND METHOD TO FACILITATE
ANALYSIS AND REMOVAL OF ERRORS
FROM AN APPLICATION

Examiner: Not yet assigned

Art Unit: 2641

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Technology Center 2600

Commissioner for Patents
Washington, D.C. 20231

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DECLARATION OF MEGAN STREIFEL

Sir:

I, Megan Streifel, hereby declare as follows:

1. I am the Human Resources Manager at AltoWeb, Inc., assignee for the above-identified application.
2. The invention described in the above-identified patent application was invented by Ali Kutay, Cihan Akin, Erhan Akin, Hakan Akin, Eliahu Albek, John Gilbert, and Paul Stremel.
3. The above-identified patent application was filed with the U.S. Patent Office on February 22, 2002.
4. A number of attempts have been made to present a copy of the formal application papers to each non-signing inventors, namely

John Gilbert, Cihan Akin, Erhan Akin, and Hakan Akin for signature, specifically:

1. On May 28, 2002 and May 30, 2002, I sent out copies of the application and formal documents to Erhan Akin to obtain signatures from each non-signing inventor.
2. On June 3, June 4, and June 6, 2002, I made follow up phone calls to John Gilbert concerning these documents. The phone calls were never returned.
3. On July 17, 2002, I resent a copy of the application and formal documents to each non-signing inventor for review and signature, respectively, under separate cover letters. No response to the letters was received from any of the non-signing inventors, although the cover letters specifically identified a deadline for response and FedEx return envelopes were provided to each non-signing inventor.
4. On August 23, 2002, I resent a copy of the application and formal documents to each non-signing inventor for review and signature, respectively, under separate cover letters. No response to the letters was received from any of the non-signing inventors, although the cover letters specifically identified a deadline for response and FedEx return envelopes were provided to each non-signing inventor.
5. I have accordingly only been able to interpret each non-signing inventor's lack of response and cooperation as a refusal to review the application and to sign the formal documents provided.
6. I declare that all statements made herein of my own knowledge are true and that all the statements made on information and belief are believed to be true; and further that these statements were made with the

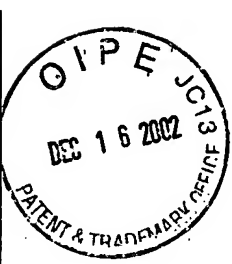
knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any pending patent issuing thereon.



Megan Streifel

12/5/02

Date



August 23, 2002

Erhan Akin
837 Catamaran St #2
Foster City, CA 94404

Dear Mr. Akin,

A patent document is enclosed for your signature. This is our third attempt to provide you with these documents for signature. Since we did not obtain your signature on our two previous attempts (April 17, 2002 and July 16, 2002), we are re-circulating the documents.

Please sign the document and return it to AltoWeb in the attached FedEx envelope by August 26, 2002. Instructions for FedEx have been included with the envelope provided.

If AltoWeb does not receive the signed document from you by August 26, 2002, the Company will execute the patent documents on your behalf, as allowed under the terms of the attached Employee Proprietary Information and Inventions Agreement, signed by you.

Thank you for your cooperation in this matter.

Sincerely,

Megan Streifel
AltoWeb, Inc.



July 16, 2002

Erhan Akin
837 Catamaran St #2
Foster City, CA 94404

Dear Mr. Akin,

A patent document is enclosed for your signature. This is our second attempt to provide you with these documents for signature. Since we did not obtain your signature on our first attempt (April 17, 2002), we are re-circulating the documents.

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Sincerely,

Megan Streifel
AltoWeb, Inc.

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July 16, 2002

Hakan Akin
1951 O'Farrell St
Suite 209
San Mateo, CA 94403

Dear Mr. Akin,

A patent document is enclosed for your signature. This is our second attempt to provide you with these documents for signature. Since we did not obtain your signature on our first attempt (April 17, 2002), we are re-circulating the documents.

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Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Streifel".

Megan Streifel
AltoWeb, Inc.



August 23, 2002

Hakan Akin
1951 O'Farrell St
Suite 209
San Mateo, CA 94403

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Sincerely,

Megan Streifel
AltoWeb, Inc.



July 16, 2002

Cihan Akin
796 Lakeshore Drive
Redwood City, CA 94065

Dear Mr. Akin,

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Megan Streifel
AltoWeb, Inc.



August 23, 2002

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796 Lakeshore Drive
Redwood City, CA 94065

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Sincerely,

Megan Streifel
AltoWeb, Inc.



July 16, 2002

John Gilbert
1102 Continentals Way
Belmont, CA 94002

Dear Mr. Gilbert,

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AltoWeb, Inc.



August 23, 2002

John Gilbert
1102 Continentals Way
Belmont, CA 94002

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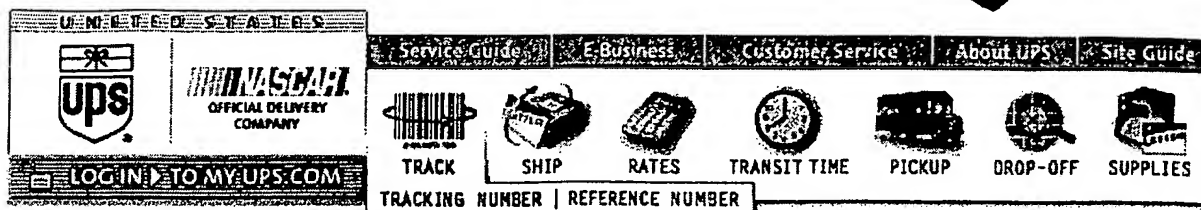
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Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Megan Streifel".

Megan Streifel
AltoWeb, Inc.



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* 2. 1Z 7AT 785 13 4017 569 4

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* This tracking number was attached to an envelop
sent within another to Erhan Akin. The envelope was



* 3. 1Z 7AT 785 30 4017 802 4

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Delivered on: Jul 17, 2002 5:26 P.M. never sent from Erha
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CA, US
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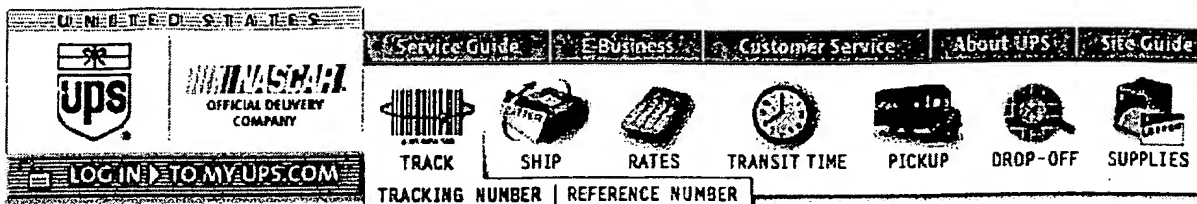
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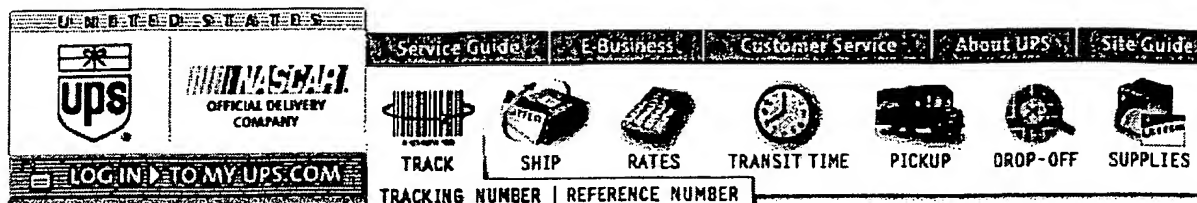
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* 3. 1Z 7AT 785 30 4001-025 8

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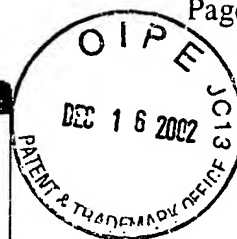
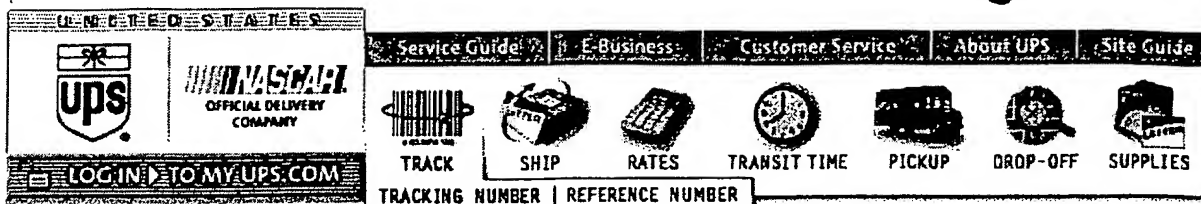


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2. 1Z 7AT 785 13 4034 820 2

Delivered

Delivered on: Apr 11, 2002 12:39 P.M.
Delivered to: BELMONT, CA, US
Service Type: NEXT DAY AIR SAVER



* 3. 1Z 7AT 785 13 4073 007 5

Not Available

* See same reason as listed in John Akin's info



* 4. 1Z 7AT 785 13 4027 312 2

Delivered

Delivered on: Apr 25, 2002 12:55 P.M.
Delivered to: BELMONT, CA, US
Service Type: NEXT DAY AIR SAVER



* 5. 1Z 7AT 785 30 4054 223 7

Delivered

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Delivered to: BELMONT, CA, US
Service Type: NEXT DAY AIR SAVER



* 6. 1Z 7AT 785 02 4023 748 7

Delivered

Delivered on: Aug 23, 2002 11:39 A.M.
Delivered to: BELMONT, CA, US
Service Type: 2ND DAY AIR



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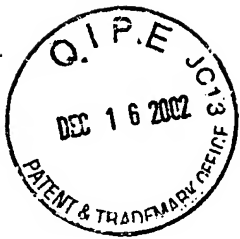
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Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.